

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION.

CRIMINAL REVISION APPLICATION No. 251 of 2007

Mohd Iqbal Khan

..Applicant.

Vs.

Ayub Sultan Khojada & Ors.

..Respondents.

Mr Prakash Naik Advocate for the Applicant.

Mr U. V. Nikam, A.P.P for the
Respondent-State

CORAM: V. C. DAGA,J.
DATED: 26th Sept, 2007.

P.C.:-

1. Heard.

2. Perused record.

3. After having heard and perused orders of
both the Courts below, I do not see any
perversity in the said orders.

4. The learned counsel for the applicant
could neither point out any perversity in the
order nor shown exclusion of any particular
piece of relevant evidence from consideration.

5. The Courts below have appreciated the
evidence in its proper perspective. The view
taken by the Courts below is reasonable and

possible view and the discretion has been legally exercised.

6. This Court not being a Court of appeal cannot substitute its own view in exercise of revisional jurisdiction. Revisional jurisdiction is not only limited in scope but also is discretionary. The Court interferes in the revisional jurisdiction only in exceptional cases of flagrant miscarriage of justice as held by the Apex Court in the case of **State of Rajasthan v. Gurucharandas Chaddha, AIR 1979 SC 1895.**

7. In the above view of the matter, no case is made out to interfere with the impugned orders. In the result, the revision application has no merit. Same is accordingly dismissed with no order as to costs.

(V.C. DAGA,J.)